

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ERIC WALDENMAIER, on behalf of
Himself and other similarly situated,

Plaintiff,

v.

PAYMERANG, LLC,

Defendant.

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Case Number: 3:23-cv-466 (HEH)

JOINT MOTION FOR SETTLEMENT APPROVAL

Plaintiff Eric Waldenmaier (“Plaintiff”) and Defendant Paymerang (“Defendant”), by their respective counsel, hereby jointly move this Court for approval of the attached Settlement Agreement and Release. In support of this motion, the Parties state the following:

1. On July 21, 2023, Plaintiff filed an action against Defendants under the Fair Labor Standards Act (“FLSA”) and the Virginia Overtime Wage Act (“VOWA”) seeking damages for unpaid overtime compensation, liquidated damages, and attorneys’ fees. *See* ECF No. 1. Plaintiff filed his amended complaint on August 29, 2023. *See* ECF No. 11.

2. On September 12, 2023, Defendant filed their Motion to Partially Dismiss and their Answer, in which they denied Plaintiff’s claim for damages under VOWA and the FLSA. *See* ECF No. 12-14.

3. The Parties have reached a comprehensive settlement memorialized in the attached Settlement Agreement and Release.

4. The Parties seek approval of the Settlement Agreement and Release under the FLSA pursuant to *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350 (11th Cir. 1982).

5. In order for the Court to approve this settlement as fair and reasonable, the Parties disclose the following: a. Plaintiff's attorneys calculated his maximum FLSA damages as \$119,853.56 (\$59,926.78 in unpaid overtime damages plus an equal amount in liquidated damages);

6. Defendants deny that they owe Plaintiff any damages;

7. Plaintiff is receiving a gross settlement of \$65,000.00. After attorneys' fees and costs, Plaintiff will receive a settlement amount of \$39,000.00;

8. Attorneys' fees in the amount of \$26,000.00 are based on a 40% contingency fee pursuant to Plaintiff's contractual agreement with his counsel;

9. Costs in the amount of \$471.65 are based on the actual costs expended by Plaintiff's attorneys.

10. This Court has previously found 40% to be a reasonable fee for FLSA claims. *See Jennifer Hart, et al. v. Tredegar Film Products Corporation*, Case No. 3:14-cv-187 (Gibney, J.); *Dominic Arjona v. Dominion Capital Mortgage, et al.*, Case No. 3:16-cv-371 (Payne, J.); *Cory Tignor, et al. v. Reel Time, LLC, et al.*, Case No. 3:16-cv-615 (Lauck, J.).

11. Counsel for the Parties are experienced in employment law and FLSA litigation and represent to the Court that the proposed settlement is, in their judgment, appropriate, fair, and reasonable and in their best interests under all relevant circumstances.

CONCLUSION

For the reasons stated herein, the Parties respectfully request that this Court enter an Order approving the negotiated settlement as fair, reasonable, and adequate. Following settlement approval, the Parties will dismiss this action as set forth in the settlement agreement. The Parties will dispense with a hearing on this motion if the Court finds that the briefing is sufficient.

Dated: April 9, 2024

Respectfully submitted,

/s/ Craig Juraj Curwood

Craig Juraj Curwood (VSB No. 43975)

Zev H. Antell (VSB No. 74636)

Samantha R. Galina (VSB No. 96981)

Butler Curwood, PLC

140 Virginia Street, Suite 302

Richmond, Virginia 23219

Telephone: (804) 648-4848

Fax: (804) 237-0413

Email: craig@butlercurwood.com

zev@butlercurwood.com

samantha@butlercurwood.com

Counsel for Plaintiff

/s/ Alyssa B. Testo

Eric P. Burns (VSB No. 76554)

Alyssa B. Testo (VSB No. 97254)

JACKSON LEWIS P.C.

10701 Parkridge Blvd., Suite 300

Reston, Virginia 20191

Telephone: (703) 483-8300

Fax: (703) 483-8301

Email: eric.burns@jacksonlewis.com

alyssa.testo@jacksonlewis.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to Counsel of Record.

/s/ Craig Juraj Curwood
Craig Juraj Curwood (VSB No. 43975)
BUTLER CURWOOD, PLC
140 Virginia Street, Suite 302
Richmond, Virginia 23219
Telephone: (804) 648-4848
Facsimile: (804) 237-0413
Email: craig@butlercurwood.com

Counsel for Plaintiff